

Remarks

In the Office action, claims 1-8, 14-23, 25-28 and 31-33 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,618,904 issued to Nagy (“Nagy”). Claims 9-13, 24, 29 and 30 were deemed to be allowable if rewritten in independent form.

Claims 1-33 remain pending in this application. Reconsideration and withdrawal of the rejections in view of the following remarks is hereby respectfully requested.

A. Examiner Interview:

A telephone interview took place on February 27, 2006 at approximately 11:00 AM between Examiner Jackson, and Applicant’s attorney, Thomas Carty. In the interview, the rejections to independent claims 1, 20, 27, and 31 under 35 U.S.C. §102(e) in view of Nagy was discussed. Specifically, it was argued that Nagy does not describe a device which tensions a first spring in an opening phase of the flap, but rather in the closing phase. Proposed language was discussed for each of the independent claims. The Examiner agreed that that the proposed language appearing in the Amendments to Claims section of this paper would distinguish over Nagy and remove the anticipation rejections based on Nagy.

B. Rejections under 35 U.S.C. §102(e):

Claims 1-8, 14-23, 25-28 and 31-33 were rejected under 35 U.S.C. 102(e) as being anticipated by Nagy.

Applicant has amended independent claims 1, 20, and 27 to remove the word “for” after “tensioning device” to positively recite that the tensioning device tensions the first spring. Applicant has amended independent claim 31 to move the phrase “in a second opening phase of the flap” to make it clear that both the contacting and the tensioning of the first spring takes place during the second opening phase of the flap. As discussed previously, and in the telephone interview, Nagy differs from the claimed invention in that the spring 44 is not tensioned during any opening phase of the flap, but rather only during the closing of the flap.

Accordingly, withdrawal to the rejections under 35 U.S.C. §102(e) is respectfully requested.

C. Allowable Subject Matter :

Applicant gratefully acknowledges that claims 9-13, 24, 29 and 30 were deemed to be allowable if rewritten in independent form. Applicant respectfully submits that the independent claims from which those claims depend are now in allowable form.

Withdrawal of the objections is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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